

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION

FILED  
2019 MAR 11 PM 4:29

UNITED STATES OF AMERICA,

Plaintiff,

v.

VARIOUS ELECTRONIC  
EQUIPMENT,

Respondent.

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CIVIL ACTION NO.

**EP 19 CV 0088**

**VERIFIED COMPLAINT FOR FORFEITURE**

Comes now Petitioner United States of America, by and through the United States Attorney for the Western District of Texas and the undersigned Assistant United States Attorney, pursuant to Rule G, Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, Federal Rules of Civil Procedure, and respectfully states as follows:

**I.**  
**NATURE OF THIS ACTION**

This action is brought by the United States of America seeking forfeiture to the United States of the properties described below:

1. Alcatel Laptop Tablet;
2. Aspire Laptop;
3. Nook tablet;
4. I-Pad (broken);
5. Floppy Disk;
6. Two (2) DVD-RW;
7. DVD-RW Marked Photos;
8. Dell Desktop Computer;
9. HP Laptop Computer;
10. Sandisk Cruzer;
11. Sandisk Cruzer;
12. Sandisk Ultra USB;
13. Logitech USB;
14. SD USB;
17. Caviar 21600 Hard Drive;
18. Seagate Hard Drive;
19. Toshiba Laptop;
20. Compaq Laptop Computer;
21. Toshiba Laptop;
22. Aveteck Laptop;
23. USB-3 External Drive;
24. Samsung Galaxy Phone;
25. Samsung Gold Phone;
26. Lenovo Laptop Computer;
27. Toshiba Laptop;
28. Dell Laptop;
29. Three (3) Floppy Disks;
30. Android Flash Drive;

15. Gray USB;  
16. Five (5) DVD-RW;

31. Western Digital Hard Drive; and  
32. Any and all other property involving any  
visual depiction described in section 2251,  
2251A, or 2252, 2252A, 2252B, or 2260.

hereinafter referred to as the “Respondent Properties.”

## **II. JURISDICTION AND VENUE**

The Court has original jurisdiction of all civil actions, suits or proceedings commenced by the United States under Title 28 U.S.C. § 1345 and over an action for forfeiture under Title 28 U.S.C. § 1355(a). This Court has *in rem* jurisdiction over the Respondent Real Property under Title 28 U.S.C. §§ 1355(b) and 1395(a). Venue is proper in this district pursuant to Title 28 U.S.C. § 1355(b)(1) because the acts or omissions giving rise to the forfeiture occurred in this district.

## **III. STATUTORY BASIS FOR FORFEITURE**

This is a civil forfeiture action *in rem* brought against the Respondent Real Property for violations of Title 18 U.S.C. §§ 2252 and 2252A subject to forfeiture to the United States of America pursuant to Title 18 U.S.C. § 2254 which states:

### **Title 18 U.S.C. § 2254. Civil forfeiture**

Any property subject to forfeiture pursuant to section 2253 may be forfeited to the United States in a civil case in accordance with the procedures set forth in chapter 46.

## **IV. FACTS IN SUPPORT OF VIOLATIONS**

See Appendix “A” for facts under seal.

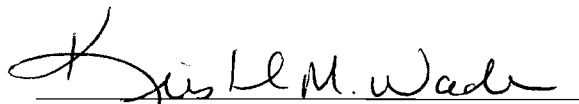
## **V. PRAYER**

WHEREFORE, Petitioner, United States of America, prays that due process issue to enforce the forfeiture of the Respondent Properties, that due notice, pursuant to Rule G(4), be

given to all interested parties to appear and show cause why forfeiture should not be decreed,<sup>1</sup> that a warrant for an arrest in rem be ordered, that the Respondent Properties be forfeited to the United States of America, that the Respondent Properties be disposed of in accordance with the law, and for any such further relief as this Honorable Court deems just and proper.

Respectfully submitted,

JOHN F. BASH  
United States Attorney

By:   
Kristal M. Wade  
New Mexico Bar No.: 8204  
Assistant United States Attorney  
700 E. San Antonio Ave., Suite 200  
El Paso, Texas 79901  
Tel: (915) 534-6884  
Fax: (915) 534-3461

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<sup>1</sup>Appendix B, Notice of Complaint of Forfeiture, which is being filed along with this complaint, will be sent to those known to the United States to have an interest in the Respondent Properties.

**VERIFICATION**

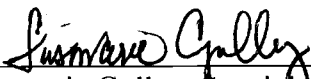
Department of Homeland Security (“DHS”), Homeland Security Investigations (“HSI”) Special Agent Lisamarie Gulley, declares and says that:

1. I am a Special Agent with the Department of Homeland Security (“DHS”), Homeland Security Investigations (“HSI”), assigned to the El Paso Division Office. I am the investigator responsible for the accuracy of the information provided in this litigation.

2. I have read the above Verified Complaint for Forfeiture and know the contents thereof; that the information contained in the Verified Complaint for Forfeiture has been furnished by official government sources; and based upon information and belief, the allegations contained in the Verified Complaint for Forfeiture are true.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 11<sup>th</sup> day of March, 2019.

  
\_\_\_\_\_  
Lisamarie Gulley, Special Agent  
Department of Homeland Security  
Homeland Security Investigations

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION

FILED

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UNITED STATES OF AMERICA,

Plaintiff,

v.

VARIOUS ELECTRONIC  
EQUIPMENT,

Respondent.

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CIVIL ACTION NO.

**EP 19 CV 00888**

**NOTICE OF COMPLAINT FOR FORFEITURE**

On March 11, 2019, the United States of America, by and through its United States Attorney for the Western District of Texas and the undersigned Assistant United States Attorney, filed a Verified Complaint for Forfeiture against the properties described below, which is also specifically described in the Verified Complaint for Forfeiture, and which is subject to forfeiture to the United States pursuant to Title 18 U.S.C. § 2254, as properties involved in the violation of Title 18 U.S.C. §§ 2252 and 2252A, namely:

1. Alcatel Laptop Tablet;
2. Aspire Laptop;
3. Nook tablet;
4. I-Pad (broken);
5. Floppy Disk;
6. Two (2) DVD-RW;
7. DVD-RW Marked Photos;
8. Dell Desktop Computer;
9. HP Laptop Computer;
10. Sandisk Cruzer;
11. Sandisk Cruzer;
12. Sandisk Ultra USB;
13. Logitech USB;
14. SD USB;
15. Gray USB;
16. Five (5) DVD-RW;
17. Caviar 21600 Hard Drive;
18. Seagate Hard Drive;
19. Toshiba Laptop;
20. Compaq Laptop Computer;
21. Toshiba Laptop;
22. Avateck Laptop;
23. USB-3 External Drive;
24. Samsung Galaxy Phone;
25. Samsung Gold Phone;
26. Lenovo Laptop Computer;
27. Toshiba Laptop;
28. Dell Laptop;
29. Three (3) Floppy Disks;
30. Android Flash Drive;
31. Western Digital Hard Drive; and
32. Any and all other property involving any visual depiction described in section 2251, 2251A, or 2252, 2252A, 2252B, or 2260.

**APPENDIX B**

hereinafter referred to as the “Respondent Properties.”

Pursuant to Rule G(4)(b) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, notice to any person who reasonably appears to be a potential claimant shall be by direct notice. Accompanying this notice is the Verified Complaint for Forfeiture which has been filed in this cause and which describes the Respondent Properties. Pursuant to Supplemental Rule G(4)(b), any person claiming an interest in the Respondent Properties who has received direct notice of this forfeiture action must file a Claim in compliance with Rule G(5)(a), with the court within **thirty-five (35) days after the notice was sent, if delivered by mail (if mailed, the date sent is provided below), or within 35 days of the date of delivery, if notice was personally served.** An Answer or motion under Rule 12 of the Federal Rules of Civil Procedure must then be filed within **twenty-one (21) days** of the Claim being filed. The Claim and Answer must be filed with the Clerk of the Court, 525 Magoffin, Suite 105, El Paso, Texas 79901, and copies of each must be served upon Assistant United States Attorney Kristal M. Wade, 700 E. San Antonio Ave., Suite 200, El Paso, Texas 79901, or default and forfeiture will be ordered. *See* Title 18 U.S.C. § 983(a)(4)(A) and Rule G(5) of the Supplemental Rules for Admiralty or Maritime Claim and Asset Forfeiture Actions.

Failure to follow the requirements set forth above will result in a judgment by default taken against you for the relief demanded in the complaint.

**DATE NOTICE SENT:** \_\_\_\_\_

JOHN F. BASH  
United States Attorney  
for the Western District of Texas

By:

\_\_\_\_\_  
Kristal M. Wade  
Assistant United States Attorney  
New Mexico Bar No. 8204  
700 E. San Antonio Ave., Suite 200  
El Paso, TX 79901  
Tel: 915-534-6884  
Fax: 915-534-3461

CLERK, U.S. DISTRICT CLERK  
WESTERN DISTRICT OF TEXAS  
BY \_\_\_\_\_



**EP 19 CV 0088**

1. Alcatel Laptop Tablet;
2. Aspire Laptop;
3. Nook tablet;
4. I-Pad (broken);
5. Floppy Disk;
6. Two (2) DVD-RW;
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19. Toshiba Laptop;
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29. Three (3) Floppy Disks;
30. Android Flash Drive;
31. Western Digital Hard Drive; and
32. Any and all other property involving any visual depiction described in section 2251, 2251A, or 2252, 2252A, 2252B, or 2260,



seized on or about October 24, 2018, in El Paso, Texas, in the Western District of Texas (hereinafter referred to as the “Respondent Properties”), alleging that the Respondent Properties are subject to forfeiture to the United States of America pursuant to Title 18 U.S.C. § 2254, as properties involved in the violation of Title 18 U.S.C. §§ 2252 and 2252A,

IT IS THEREFORE ORDERED that a Warrant for the Arrest of Properties against the Respondent Properties issue as prayed for, and that the Department of Homeland Security, United State Customs and Border Protection, Office of Fines, Penalties and Forfeitures, or any other law enforcement officer, or any other person or organization authorized by law to enforce the warrant, be commanded to arrest the Respondent Properties and take them into possession for safe custody as provided by Rule G, Supplemental Rules of Federal Rules of Civil Procedure, until further order of the Court, and to use whatever means may be appropriate to protect and maintain them in their custody, including designating a substitute custodian or representative for the purposes of maintaining the care and custody of the Respondent Properties, and to make a return as provided by law.

SIGNED this \_\_\_\_\_ day of March, 2019.

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UNITED STATES DISTRICT JUDGE

**RECEIVED**

MAR 11 2019

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY UNITED STATES OF AMERICA,  
DEPUTY

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION**

**Plaintiff,**

**v.**

**VARIOUS ELECTRONIC  
EQUIPMENT,**

**Respondent.**

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JUDGE FRANK MONTALVO

**CIVIL ACTION NO.**

**EP 19 CV 0088**

**WARRANT FOR THE ARREST OF PROPERTIES**

**TO THE DEPARTMENT OF HOMELAND SECURITY, UNITED STATES CUSTOMS AND BORDER PROTECTION, OFFICE OF FINES, PENALTIES AND FORFEITURES, OR OTHER AUTHORIZED LAW ENFORCEMENT OFFICER OR ANY OTHER PERSON OR ORGANIZATION AUTHORIZED BY LAW TO ENFORCE THE WARRANT:**

WHEREAS, on March 11, 2019, Petitioner United States of America, by its attorneys, John F. Bash, United States Attorney for the Western District of Texas, and Assistant United States Attorney Kristal M. Wade, filed a Verified Complaint for Forfeiture in the United States District Court for the Western District of Texas, against the following properties:

1. Alcatel Laptop Tablet;
2. Aspire Laptop;
3. Nook tablet;
4. I-Pad (broken);
5. Floppy Disk;
6. Two (2) DVD-RW;
7. DVD-RW Marked Photos;
8. Dell Desktop Computer;
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31. Western Digital Hard Drive; and

16. Five (5) DVD-RW;

32. Any and all other property involving any visual depiction described in section 2251, 2251A, or 2252, 2252A, 2252B, or 2260,

seized on or about October 24, 2018, in El Paso, Texas, in the Western District of Texas (hereinafter referred to as the “Respondent Properties”), alleging that the Respondent Properties are subject to forfeiture to the United States of America pursuant to Title 18 U.S.C. § 2254, as properties involved in the violation of Title 18 U.S.C. §§ 2252 and 2252A, and

WHEREAS an Order has been entered by the United States District Court for the Western District of Texas that a Warrant for Arrest of Properties be issued as prayed for by Petitioner United States of America,

YOU ARE THEREFORE COMMANDED to arrest the Respondent Properties as soon as practicable by serving a copy of this warrant on the custodian in whose possession, custody or control the Respondent Properties are presently found, and to use whatever means may be appropriate to protect and maintain them in your custody until further order of this Court, including designating a substitute custodian or representative for the purposes of maintaining the care and custody of the Respondent Properties and to make a return as provided by law.

SIGNED this \_\_\_\_\_ day of March, 2019.

JEANNETTE J. CLACK  
United States District Clerk  
Western District of Texas

By: \_\_\_\_\_

Deputy

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

## I. (a) PLAINTIFFS

UNITED STATES OF AMERICA

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Kristal M. Wade, Assistant United States Attorney  
700 E. San Antonio, Suite 200  
El Paso, Texas 79901 (915) 534-6884

## DEFENDANTS

Various Electronic Equipment

2019 MAR 11 PM 4:29

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES, COUNTY OF TEXAS)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

DEPUTY

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

| CONTRACT  | TORTS  | FORFEITURE/PENALTY   | BANKRUPTCY   | OTHER STATUTES   |
|---|--|--|--|--|
| <input type="checkbox"/> 110 Insurance<br><input type="checkbox"/> 120 Marine<br><input type="checkbox"/> 130 Miller Act<br><input type="checkbox"/> 140 Negotiable Instrument<br><input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment<br><input type="checkbox"/> 151 Medicare Act<br><input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)<br><input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits<br><input type="checkbox"/> 160 Stockholders' Suits<br><input type="checkbox"/> 190 Other Contract<br><input type="checkbox"/> 195 Contract Product Liability<br><input type="checkbox"/> 196 Franchise | <b>PERSONAL INJURY</b><br><input type="checkbox"/> 310 Airplane<br><input type="checkbox"/> 315 Airplane Product Liability<br><input type="checkbox"/> 320 Assault, Libel & Slander<br><input type="checkbox"/> 330 Federal Employers' Liability<br><input type="checkbox"/> 340 Marine<br><input type="checkbox"/> 345 Marine Product Liability<br><input type="checkbox"/> 350 Motor Vehicle<br><input type="checkbox"/> 355 Motor Vehicle Product Liability<br><input type="checkbox"/> 360 Other Personal Injury<br><input type="checkbox"/> 362 Personal Injury - Medical Malpractice | <b>PERSONAL INJURY</b><br><input type="checkbox"/> 365 Personal Injury - Product Liability<br><input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability<br><input type="checkbox"/> 368 Asbestos Personal Injury Product Liability<br><b>PERSONAL PROPERTY</b><br><input type="checkbox"/> 370 Other Fraud<br><input type="checkbox"/> 371 Truth in Lending<br><input type="checkbox"/> 380 Other Personal Property Damage<br><input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881<br><input checked="" type="checkbox"/> 690 Other  | <input type="checkbox"/> 422 Appeal 28 USC 158<br><input type="checkbox"/> 423 Withdrawal 28 USC 157<br><b>PROPERTY RIGHTS</b><br><input type="checkbox"/> 820 Copyrights<br><input type="checkbox"/> 830 Patent<br><input type="checkbox"/> 840 Trademark   |
| <b>REAL PROPERTY</b><br><input type="checkbox"/> 210 Land Condemnation<br><input type="checkbox"/> 220 Foreclosure<br><input type="checkbox"/> 230 Rent Lease & Ejectment<br><input type="checkbox"/> 240 Torts to Land<br><input type="checkbox"/> 245 Tort Product Liability<br><input type="checkbox"/> 290 All Other Real Property  | <b>CIVIL RIGHTS</b><br><input type="checkbox"/> 440 Other Civil Rights<br><input type="checkbox"/> 441 Voting<br><input type="checkbox"/> 442 Employment<br><input type="checkbox"/> 443 Housing/Accommodations<br><input type="checkbox"/> 445 Amer. w/Disabilities - Employment<br><input type="checkbox"/> 446 Amer. w/Disabilities - Other<br><input type="checkbox"/> 448 Education   | <b>PRISONER PETITIONS</b><br><b>Habeas Corpus:</b><br><input type="checkbox"/> 463 Alien Detainee<br><input type="checkbox"/> 510 Motions to Vacate Sentence<br><input type="checkbox"/> 530 General<br><input type="checkbox"/> 535 Death Penalty<br><b>Other:</b><br><input type="checkbox"/> 540 Mandamus & Other<br><input type="checkbox"/> 550 Civil Rights<br><input type="checkbox"/> 555 Prison Condition<br><input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement                                | <b>LABOR</b><br><input type="checkbox"/> 710 Fair Labor Standards Act<br><input type="checkbox"/> 720 Labor/Management Relations<br><input type="checkbox"/> 740 Railway Labor Act<br><input type="checkbox"/> 751 Family and Medical Leave Act<br><input type="checkbox"/> 790 Other Labor Litigation<br><input type="checkbox"/> 791 Employee Retirement Income Security Act | <input type="checkbox"/> 375 False Claims Act<br><input type="checkbox"/> 400 State Reapportionment<br><input type="checkbox"/> 410 Antitrust<br><input type="checkbox"/> 430 Banks and Banking<br><input type="checkbox"/> 450 Commerce<br><input type="checkbox"/> 460 Deportation<br><input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations<br><input type="checkbox"/> 480 Consumer Credit<br><input type="checkbox"/> 490 Cable/Sat TV<br><input type="checkbox"/> 850 Securities/Commodities/Exchange<br><input type="checkbox"/> 890 Other Statutory Actions<br><input type="checkbox"/> 891 Agricultural Acts<br><input type="checkbox"/> 893 Environmental Matters<br><input type="checkbox"/> 895 Freedom of Information Act<br><input type="checkbox"/> 896 Arbitration<br><input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision<br><input type="checkbox"/> 950 Constitutionality of State Statutes |
|   |  |  | <b>SOCIAL SECURITY</b><br><input type="checkbox"/> 861 HIA (1395ff)<br><input type="checkbox"/> 862 Black Lung (923)<br><input type="checkbox"/> 863 DIWC/DIWW (405(g))<br><input type="checkbox"/> 864 SSID Title XVI<br><input type="checkbox"/> 865 RSI (405(g))  | <b>FEDERAL TAX SUITS</b><br><input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)<br><input type="checkbox"/> 871 IRS—Third Party 26 USC 7609   |
|   |  | <b>IMMIGRATION</b><br><input type="checkbox"/> 462 Naturalization Application<br><input type="checkbox"/> 465 Other Immigration Actions  |  |  |

## V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

18 U.S.C. § 2254

Brief description of cause:

Certain activities relating to material involving child exploitation (18 U.S.C. §§ 2252 and 2252A)

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

## DEMAND \$

CHECK YES only if demanded in complaint.

JURY DEMAND: ☐ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

03/11/2019

SIGNATURE OF ATTORNEY OF RECORD



FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE